

State Program Standing Committee Meeting
April 21, 2016
Comfort Inn, Berlin

Attendees:

Committee Members: Edwin Place, Bethany Drum, Susan Yuan, Nicole LeBlanc, Anne Bakeman, Rachel Colby, Emily Anderson, Barb Prine, Max Barrows, Linda Berger, Julie Cunningham, Theresa Wood

Visitors: Joy Redington, Cathy Hull, Lori Lintner, Karen Topper, Mark Utter, Marlys Waller, Colin Provencher,

State Employees: June Bascom, Lisa Parro, Roy Gerstenberger

Introductions, Review Agenda, and Approval of Minutes

The meeting minutes for March were reviewed and approved, as written, by the Committee.

Marlys gave an update on some legislative bills.

Imagine the Future – Recommendation #11 Discussion

In the Report of the Developmental Disabilities Services “Imagine the Future” Task Force, Section 6 – Key Finding & Recommendations, excerpts of item #11 recommend areas for emphasis in the future are the expansion of community inclusion/activities; a focus on the development of meaningful relationships for consumers; and more effort to develop employment opportunities and supports.

A discussion ensued about the integration of transition age youth with developmental disabilities into post-secondary educational coursework. Below are some excerpts from the discussion.

- **Funding:**
There are three main costs: Tuition; Cost for a Mentor (a lot of waiver funds are used to pay other college students for mentoring); and Infrastructure cost for staff to coordinate. College Steps and Think College funds for these items have ended; however, they have figured out how to continue providing these services. There is a difference in funding and in available opportunities around the state, it depends on the region.

An individual with an Individualized Education Plan (IEP) is not eligible for funding through the Agency of Education (AOE). The funding stream through the partnership with Vocational Rehabilitation (VR) is different than through AOE.

- **Dorm Life vs Transportation:**
A lot of funding has been used for transportation for individuals to get back and forth to

classes, which is an issue that is being addressed. However, there have been multiple instances where individuals with disabilities have found it challenging to live in a dorm and they had to leave the dorm.

- Questions and Comments for Jennie Masterson (DDSD) and/or John Spinney (AOE):
 - Other states are encouraging Associate and Bachelor's degree programs rather than 2-year certificates. Why isn't Vermont encouraging this?
 - Has any progress been made with the community college system?
 - We need a way to get information about the programs and funding out to all of the educators.
 - How does Act 77 benefits differ/affect a student's IEP? (*H.747 - Act 77: An act relating to the State Treasurer's authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing, <http://legislature.vermont.gov/bill/status/2016/H.747>*)
 - Is there a way to collect data on the number of females vs males using the programs and/or completing the programs?

Jennie and John will be asked to attend a future meeting to answer questions and discuss post-secondary education further.

Employment:

June reported that nobody is paid under minimum wage in Vermont, and the number of individuals with developmental disabilities that are receiving supported employment to work is continually climbing. The average number of hours of work a week is 9 hours. A committee member reported that Vermont is #1 in the nation with employment integration for individuals with developmental disabilities.

Caseload funds are now available to individuals up to age 26, for those individuals who are not ready for employment during the earlier transitional years. The new Career Access program through VR assists individual up to the age of 30. Under the Home and Community Based Services (HCBS), an individual can work up to 25 hours/week. The public schools are not always able to hire an employment specialist; however, the designated agencies assist with specialists.

The SSI system was built around the premise that individuals have a disability with limited functioning so people on SSI cannot work – it encourages individuals not to work. So individuals on SSI need to be careful about any income or they can lose benefits. Only about 4.3% of the people in Vermont who are receiving SSI are employed.

Data is now available through VR about self-employment and other employment we support. It would be helpful to have this information included in the DDSD Annual Report. A graph is already included in the annual report; however, June will need to obtain some definition as to the data that is included in the graph.

Relationship Building:

There are a series of workshops with Angela Novak Amado which are available in 3 different locations in Vermont during the first week in May. These workshops engage people with direct support with strategies to create relationships. The individual will leave the workshop with a plan and strategies in expanding relationships. Six months later, they will look at what worked and what did not work. Contact Jeff Coy, DDS, for details of the trainings

(Jeff.Coy@vermont.gov) The book Friends, by Angela Novak Amado is available free online.

http://rtc.umn.edu/docs/Friends_Connecting_people_with_disabilities_and_community_members.pdf

Draft Regulations for the Office of Public Guardian (OPG)

This is a pre-comment period for the proposed changes in the Office of Public Guardian (OPG) regulations. The proposed changes are updating terminology and using person centered language as well as providing a limit on caseload assignments. With regard to the latter, there is a provision for emergency situations. The rule making process will be starting and the changes will be posted for public comment, then submitted to Interagency Committee on Administrative Rules (ICAR) in August. It would be helpful for the Committee if the proposed changes to the regulations were highlighted in the document. The document is distributed at this meeting so that committee members have a full month to prepare questions to present to the director of OPG, Jackie Rogers, when she appears before the committee in May.

The OPG program has grown so much that the guardians are reporting an inability to complete the basic best practices of appropriate and ethical service. In addition, the OPG program lost a position due to State cutbacks, and lost two veteran OPG staff to retirement. However, a division employee has been borrowed from another team on a temporary basis, which is assisting the OPG group to work more smoothly.

The OPG staff are very dedicated and a compassionate group of people who are concerned about missing an issue because they are too busy with other issues. Therefore, the first step in the review of the OPG program is reducing the duties to what is essential. Many supportive and favorable comments were made by the meeting attendees about the dedication, integrity, and work of the OPG staff.

There are different caseload limits in statute for other programs, and some current pending legislation for caseload size limitations for some other programs. Theresa suggests that the OPG program should add a caseload size limit to legislation which will assist with the ability to adequately assist individuals and keep them safe, and it would also assist in the budgeting process. Some other SPSC members were disinclined to support a cap on caseloads.

DDSD Updates

State System of Care Plan

A couple of months ago the division created a System of Care (SOC) Plan 2017 Task Group to design the timeline and project components to comply with the mandates of Act 140 as it relates

to rules development on topics that have been historically included just in the System of Care Plan. (*H.728-Act 140: An act relating to developmental services' system of care* <http://legislature.vermont.gov/bill/status/2014/H.728>) There are 4 main areas to address: Eligibility for services, Services provided, Elements of monitoring the quality of services, and Funding priorities. After the Act passed, the Task Group identified the areas in the SOC that need to be addressed.

Roy has been meeting with Vermont Care Partners and with the designated agencies (DAs) about their local SOC plans. He has sent the DAs information from the Task Group's work to assist them with their local SOC plans. The local SOC information is due by July, the State SOC plan will go through a public comment period in August. A draft will be sent to the SPSC for pre-comment.

HCBS Work Plan (Handout)

A HCBS Work Plan has been developed as part of the Transition Plan required by CMS. A handout was distributed that lists findings by the HCBS Work Group with action steps as to the end result and expected dates. The design of the plan was difficult for the committee to interpret and understand. Several members commented that they did not expect that our state would need to change our rules given our uniqueness in operating only community-based service in contrast to most states in the country. At the next SPSC Roy will do a quick review of the new rules and discuss the findings in sections. A request was made to include information about funding on the handout.

The updates for the DD Regulations to adhere to the new HCBS rule have been identified. There current Regulations will not require very many changes. Given the straight forward nature of the needed revisions (single word or sentence additions) it is expected that these will be completed and available for public comment within the next six months. The updated regulations are not due for another year.

Survey

By December a survey will be completed by the provider agencies for all settings, and a voluntary survey will be available for people receiving services as a method of verification. This survey is different than the National Core Indicator (NCI) survey – CMS will not accept the NCI data alone. Roy will follow-up to find out if the DA survey needs to be done by each agency or by each area.

A suggestion was made to only include questions not included on the NCI survey for recipients, as there are so many surveys for recipients to fill out.

Other

Roy has asked Commissioner Hutt to return to the SPSC in June for further discussion about the All Payer Model (APM.)

The Association of University Centers on Disabilities (AUCD) has a good website with a lot of information on it. www.AUCD.org

SPSC Updates and Announcements

Mark Utter was on Vermont Public Radio (VPR), and the podcast was chosen by Atlantic Magazine as one of the top 50 podcast for the year.

<http://www.rumblestripvermont.com/2015/10/i-am-in-here/>

Nicole presented on a panel at the Disability Policy Seminar in Washington, DC.

There were 6 students placed by Vermont DCF at the Eagleton School in Great Barrington MASS, in which the school closed suddenly due to some students being hurt by restraints. The DAs worked together with the Adult Services Division to find homes for them back in Vermont. Julie requested to continue the conversation about ABA and restraints at the next SPSC meeting.

Recently a brick was thrown through a window at the Vermont Workers' Center where a Black Lives Matter sign was displayed. This occurred shortly after a KKK symbol was sprayed on something. This is something that the SPSC should be aware about and keep an eye on.

SPSC Recruitment Update

Max, Connie, Bethany, and Emily's appointment terms on the SPSC have ended. Max, Connie, and Bethany have all requested to be reappointed; however, Emily has not asked for reappointment. Mark Utter's applicant has been submitted for the appointment process.

Barb has spoken with some of the current SPSC, and with DDS, about moving some of the members to different slots (within the statute), and all have been in agreement to this. This leaves one slot for an Advocate and there are two applications pending. Since nobody on the SPSC are familiar with either applicant, Barb proposed to invite both applicants to a SPSC meeting. This is not an interview, nor should it be any indication of an appointment to the SPSC, it is so the applicants can introduce themselves and get an idea of what the SPSC does.

Barb made a motion to invite the applicants to a SPSC meeting, Anne seconded the motion, and the motion passed.

VT Care Partners

Julie heard second hand that the Community Care Partners were not getting an increase in their budget. They have only received a 3% increase in 3 years. The budget bills are moving in the legislature this week and no more testimony is being taken; however, Theresa suggested to the SPSC that they may want to draft a brief one paragraph e-mail and send it today to the Senate Appropriations Committee, House Appropriations Committee and the 3 senators in Washington County on behalf of the SPSC. Max and Nicole will draft something and send it to Bethany and Susan for review and to send out. *(Note: On 4/21/16, an e-mail was sent to the recipients listed above by Bethany and Susan about the SPSC concerns of ailing to provide the designated agencies a Cost of Living Adjustment.)*

Linda made a motion to include a VT Care Partner update at every SPSC meeting so the SPSC could discuss and possibly assist with situations such as this, highlight new policies, etc. Nicole seconded the motion, and the motion was passed.